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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

Estate of ROWENA L. SCHOOLER, Deceased.	
JOHN SCHOOLER, et al.	D053924
Plaintiffs and Appellants,	(Super. Ct. No. PN28646)
v.	ORDER MODIFYING OPINION AND DENYING PETITION FOR REHEARING
JANE L. SCHOOLER,	
Defendant and Respondent.	[NO CHANGE IN JUDGMENT]

THE COURT:

The petition for rehearing is denied.

It is ordered that the opinion filed January 6, 2010, be modified as follows:

1. In the second sentence of the first paragraph on page 3, the words "(with an additional studio unit)" are deleted, so that sentence now reads:

At the time, they owned a duplex in Del Mar near the beach (the Beach House), and they transferred the Beach House into the Family Trust.

2. In the second sentence of the third paragraph on page 3, the words "was living in another unit" are deleted and the words "also lived at the property" are substituted in their place, so the sentence now reads:

At the time, Rowena was living in one of the units of the Beach House, and her son Andrew also lived at the property and managed the property.

3. In the first sentence in the first complete paragraph on page 25, the word "Jane's" is deleted and the words "the Brothers'" are added, so the sentence now reads:

In addition to the breach of fiduciary duty claims, the court stated that the Brothers' claims for attorney fees and costs would constitute a contest.

**There is no change in the judgment.**

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BENKE, Acting P. J.

Copies to: All counsel